

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JERRY ALLEN CLARK,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-228-M
)	
SARA M. REVEL,)	
)	
Respondent.)	

ORDER

On March 4, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241 challenging the federal criminal proceeding that is pending in this Court. The Magistrate Judge recommended that the Petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241 be dismissed without prejudice upon refiling. Alternatively, the Magistrate Judge recommended that Petitioner's habeas Petition be dismissed without prejudice due to his failure to exhaust remedies available to him under federal law. Petitioner was advised of his right to object to the Report and Recommendation by March 24, 2009. On March 16, 2009, Petitioner filed his objection on the basis that his person is pending transportation to the Western District of Oklahoma, and, with respect to the exhaustion of remedies, that certain records were not considered when the Magistrate Judge made his decision.

Upon de novo review, the Court:

- (1) OVERRULES Petitioner's objections to the Report and Recommendation;
- (2) ADOPTS the well-reasoned Report and Recommendation issued by the Magistrate Judge on March 4, 2009;
- (3) DISMISSES the Petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241 without prejudice upon refiling.

IT IS SO ORDERED this 19th day of March, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE